

**KING COUNTY FIRE PROTECTION DISTRICT 34**

Regular Meeting of the Board of Commissioners

Location: Station 11 – 8450 161<sup>st</sup> Avenue N.E., Redmond, Washington

**AGENDA**

Tuesday, August 15, 2006

5:00 p.m.

Station 11 Conference Room

- I. CALL TO ORDER – REGULAR MEETING
- II. PUBLIC COMMENTS (4 minutes per person)
- III. ATTORNEY'S REPORT
  - A. Property Acquisition
  - B. Public Preference Survey
  - C. Agreement with Ron Seng, Construction Consulting Services
- IV. CHIEFS' REPORTS
  - A. Update on Redmond Fire Department 2007-2008 Budget Discussions – Fuller
- V. COMMISSIONERS' REPORTS
  - A. Tracking Sheet
- VI. APPROVAL OF MINUTES
  - A. Regular Meeting of July 18, 2006
- VII. DISTRICT SECRETARY'S REPORT
  - A. Monthly Budget Report – July 2006
  - B. Approval of Monthly Vouchers 8213 through 8228
  - C. Investment Report – June 2006
  - D. Legal Usage – July 2006
- VIII. OTHER
  - A. Thank You Letter
- IX. ADJOURNMENT

Next Regular Meeting: September 19, 2006

KING COUNTY FIRE PROTECTION DISTRICT 34  
8450 161<sup>st</sup> Avenue N.E.  
Redmond, WA 98052  
(425) 556-2226  
Fax: (425) 556-2227  
[www.kcfd34.org](http://www.kcfd34.org)

BOARD OF COMMISSIONERS  
Thomas Johnston, Chairman  
Sherman Colson  
Peter Lucarelli  
Anne Carlson, Secretary

Tim Fuller, Fire Chief

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KING COUNTY FIRE DISTRICT 34  
REGULAR MEETING – BOARD OF COMMISSIONERS  
August 15, 2006

I. **Opening of Meeting**

The regular meeting of the Board of Commissioners was called to order at 5:04 p.m. on August 15, 2006 at Station 11, located at 8450 161<sup>st</sup> Avenue N.E., Redmond, Washington. Chairman Thomas Johnston, Commissioner Sherman Colson, Commissioner Peter Lucarelli, Attorney Kinnon Williams, Fire Chief Tim Fuller, Deputy Chief Bob Oliver, and District Administrative Assistant Debra Gentry were present.

II. **Public Comments –**

Cory Rasmussen – Homeowner of the property bordering the potential building site for a new fire station. Mr. Rasmussen expressed his concerns: over-usage of the well, noise, traffic, and decrease in his property value.

The Commissioners assured him that if the Fire District is able to build a fire station on the site, they are sensitive to the fact that it is a rural area and will try to fit into the neighborhood, adding buffers for noise.

Mr. Williams suggested that Mr. Rasmussen appeal to KC DDES.

Ken Jauch – (Comments submitted by email dated August 4, 2006 to Secretary Carlson for inclusion in the minutes of the commissioners regular meeting of August 15, 2006 and attached to this document. Response dated August 8, 2006 to Mr. Jauch from Attorney Kinnon Williams also attached.)

III. **Attorney's Report**

A. Property Acquisition – The feasibility study on the Corthell property concluded that it is not possible to build a fire station on the site.

- The property cannot perk sufficiently for storm water retention because of the wetlands.
- Property needs a 75' buffer around the wetlands, reducing property by 50%.
- Sprinkler system permit alone would cost \$178,000.
- Entire property designated by King County as potential wetlands.

The consensus was to find a different site and task someone to aggressively look for one. It was suggested to hire a land acquisition agent. Ron Seng of Construction Consulting Services was mentioned.

**Motion from Chairman Johnston to contact a Certified Land Services Consultant to determine their availability. Commissioner Lucarelli seconded the motion. Motion passed unanimously.**

**Motion from Commissioner Lucarelli to rescind the Purchase and Sale Agreement for the property located on Union Hill due to the results of the *Feasibility and Due Diligence Study*. Motion seconded by Commissioner Colson. Motion passed unanimously.**

Olivia and Daniel Corthell, owners of the property, were notified by mail of the decision not to purchase the property. Their attorney, Ted Watts, was notified by mail and fax, meeting the deadline for return of the earnest money.

B. Public Preference Survey – Commissioner Lucarelli presented the preliminary results of the public survey. Ken Klima of Hebert Research will present the complete findings of the survey at a public meeting in September.

- Notice about the meeting will be posted on the website.
- Call local newspaper and invite reporters
- Chairman Johnston will check on the availability of the Redmond Ridge Community Center for the public meeting to present the results of the survey.

Discussion was held on the timing and methodology to conduct a General Election or Special Election

- Discussed cost of ballot and language in the ballot
- Explanatory section will be concerned with building and staffing a new fire station
- Appoint 3 people to present the for and against verbiage for the ballot
- Public notice that this is in response to public request
- The Board can collectively take a position on the ballot after public input.
- Recommendation for Kinnon Williams to have a special meeting to precisely map out cost, time, etc. before the public presentation meeting

**Motion from Chairman Johnston to schedule a special meeting next week to discuss a potential levy lid lift for the November General Election. Commissioner Colson seconded the motion. Motion passed unanimously.**

C. Agreement with Ron Seng, Construction Consulting Services

**Motion from Commissioner Colson to accept the agreement. Commissioner Lucarelli seconded the motion. Motion passed unanimously.**

#### IV. Chief's Reports

Fuller – There is a City Council meeting scheduled for tonight.

The Public Safety Committee meeting on current staffing was a good meeting. Deputy Chief Hail presented the facts of response times, and the labor group added the human factor. The Deccan software needs to be utilized.

The Mayor will present a budget proposal to the Council in September or October.

Senior Staff members need to look at the 2007-08 budget. The Mayor is receptive to the hiring of additional firefighters and the funding necessary for overtime.

Today staffing was low, and there were two fires in homes with wood shake roofs in Woodinville. Some overtime days are being banked. The department could carry through until October when less vacations are scheduled. Staffing is running at 87% and should be at 95%. A long-term solution is necessary.

Hail

Capital Improvement – Money is set aside for Station 14 in the sum of \$225,000. It still needs approval.

Emergency Access Corridors – Gene Peterson with RH2 was to meet with Kinnon Williams, but as of this time they have not been in touch. This is on the agenda for the August 23 meeting. Deputy Chief Hail and Kinnon Williams will contact Mr. Peterson by phone.

**V. Commissioners' Reports**

- A. Tracking Sheet – Overtime is within budget at this time.
- B. Report on Site Acquisition for New Fire Station – The Corthell Property Feasibility Study concluded that a fire station could not be built, and the Fire District will be aggressively looking for a suitable site.
- C. There will be a Washington State Commissioners meeting at the Red Lion at SeaTac. Commissioner Lucarelli is not available to attend. Chairman Johnston will attend.
- D. House Bill 1756 will be discussed at the next meeting. Chief Fuller distributed copies of the requirements to the commissioners.

**VI. Approval of Minutes**

**Motion from Commissioner Lucarelli to approve the minutes of the July 18, 2006 regular meeting. Motion seconded by Chairman Johnston. Motion passed unanimously.**

**VII. District Secretary's Report**

- A. Monthly Budget Report – The July 2006 report was reviewed.
- B. Vouchers - Vouchers audited and certified by the auditing officer as required by RCW 42.24.080 and those expense reimbursement claims required by RCW 42.24.090 have been recorded on a listing that has been made available to the Board. As of August 15, 2006, the Board by a unanimous vote does approve for payment those vouchers included in the aforementioned list or lists and further described as follows:

Expense Fund Vouchers: No. 8213 through No. 8228 for a total amount of \$16,380.66

- C. Investment Report – The June 2006 net earnings rate was 4.79%.
- D. Legal Usage – There were 8.2 hours of legal usage in July 2006.

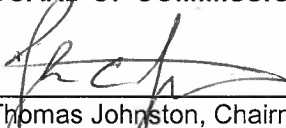
**VIII. Other**

- A. Thank You Letter – A letter was received from Lt. Ralph Kratz (Station 14) thanking the Fire District for their continued financial support of the addressing program. Chief Fuller suggested including it in the next newsletter.

**IX. Executive Session (if needed) to discuss Property Acquisition – It was not needed.**

**X. Adjournment** – Meeting adjourned at 7:15 p.m.


**BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Thomas Johnston, Chairman

  
\_\_\_\_\_  
Sherman Carlson, Commissioner

  
\_\_\_\_\_  
Peter Lucarelli, Commissioner

ATTEST:

  
\_\_\_\_\_  
Anne Carlson, District Secretary  
Board of Commissioners  
King County Fire District 34

Attachment: Email from Ken Jauch dated 8/4/06  
Email response to Ken Jauch dated 8/8/06 from Attorney Kinnon Williams

NOTE: Ms. Anne Carlson please make sure this becomes a part of the Minutes the next regular monthly meeting of the KCFPD 34 Commissioners.

TO: Kinnon W. Williams; KCFPD 34 Commissioners; and Others:

This is my response to the attached reply letter by Kinnon Williams dated May 30, 2006.

Before we get to that, however, we shall start with the regular monthly and public meeting of the commissioners that we attended on Tuesday, December 19, 2005, and the circumstances thereof. In your attached May 30th letter you take the liberty of referring to the Washington State Open Public Meetings Act. One of the requirements of that law, that you conveniently do not mention, is that, I believe, and of course you should check with the Washington State Auditor's Office, it requires fourteen (14) days notice regarding meeting dates. I am sure you will agree that, as did I, most of the KCFPD 34 taxpaying constituents who attended that meeting received their notice via an undated newsletter that arrived via the U. S. Postal Service on Friday, December 15, 2005, which by my arithmetical calculations is only four (4) days, which is ten (10) days short of being legal. Certainly, the closing of Fire Station 15 deserves more than four (4) days notice! And to many of us it is sacrilege to violate the **intent** of the Open Public Meetings Act.

This brings up the very troubling, repetitive pattern of the commissioners and you, Mr. Williams, calling meetings without proper notice; it happens, you people do it, over and over; and were you to check with the Washington State Auditor's Office, I believe you would learn that any such meetings and any business conducted thereat must be considered illegal and therefore null and void. Let you claim that I may be alarmist, exaggerating or wrong, take the example of the recent "NOTICE OF SPECIAL MEETING/EXECUTIVE SESSION at 9:30 A.M., FRIDAY, JUNE 16, 2006 (and) DATED THIS 13th DAY OF JUNE 2006 (at) Time: 1:40 p.m." One need not be a mathematical genius to see that is less than three (3) days notice! You see, Mr. Williams, it is bad behavioral stuff such as this that caused me to remark that you people are "out of control" and perhaps I should have added that you seemingly might be leading the commissioners astray.

Furthermore, were you to consult with Mr. Brian Sonntag's office, you would probably learn that governmental units cannot legally call special meetings to go into executive session; that in order to do so, the executive session can only be started from a regular general "open" meeting; and, again, that any actions taken at such improperly called meetings is/are null and void. So it seems you arrogant folks may have caused yourselves some trouble; compounded perhaps by the awarding of non-competitive-bid contracts that seem questionable and lacking of oversight at best.

And speaking of questionable behaviors, several of us on the Citizens' Advisory Committee were shocked by the obviously cavalier attitude of certain of the commissioners regarding their attendance at regular monthly meetings. At this December 19th, 2005, regular-monthly-public meeting, Messrs. Johnston and Colson were in attendance while Mr. Lucarelli was said to be out lollygagging around in his motorhome somewhere in the great Southwest. But, sarcastically, why should he care a whit about the publics' opinions when he demonstrably has had his mind made up since before day one and has not wavered one iota since. Little wonder then that he let his vacation travel plans be more important and conflict with his commissioners meeting attendance responsibilities. But in all fairness, maybe he only got the same lousy four (4) days notice we, the constituents, did, via newsletter arriving on Friday the 15th; and perhaps he was already gone away on his winter vacation.

But, worse than that, at the extremely important, March 15th, 2006, regular-monthly-public meeting, where the final, official decision was supposedly to be made to close Station 15, Mr. Colson appeared via telephone from what must have been the world's noisiest and most distracting blacksmith shop or missile launch pad -- **via telephone that faded in and out, and complete with static interference, no less** -- who does he think he was kidding? Though seemingly rehearsed, orchestrated and choreographed, the faux-phoniness of this proceedings stank and stunk to high heaven! And Mr. Colson certainly seemed confused, as if he could not hear and therefore could not understand the conversations and statements of the public, and of the proceedings; and then he had the gall to vote for closure! We all wonder about the legality of such a meeting where one commissioner is too busy, or important, to attend a regularly scheduled monthly meeting, and where the others play along with his charade; but where he does find the time to attend via telephone. This seems to present a very huge, serious and extremely important quorum-problem/issue to Citizens' Committee members that should be investigated in a legal audit by the State Auditor's Office; and we do not believe that R.C.W. 42.30 allows or authorizes absentee attendance via telephone of commissioners because the public and the other commissioners have absolutely no way of knowing the legitimacy of the absentee's veracity. Furthermore, we suspect that these commissioners actually made their decision to close Station 15 in secret, during the illegal special executive session meeting on the day before, March 14, 2006; which I and others believe is cause for this decision to be deemed illegal, null, and void. That is the reason I wrote my May 17th, 2006, "Freedom of information act information request" that appears in the email below.

Repeating this important point, I and others believe that the decision by the KCFPD 34 commissioners to close our Fire Station 15 should be deemed illegal, null and void because we believe it was actually made during a secret, illegal executive session meeting of these commissioners on March 14, 2006, the day prior to their phony sham of a 'public' meeting on the next day, March 15, 2006, where one of these commissioners supposedly appeared via telephone. By copy of this communication, we therefore request this be investigated by the Washington State Auditor's Office. We also request clarification of the complicated quorum issue/problem presented by Mr. Johnston voting against closure of Station 15 while Messrs. Lucarelli and the 'absent' Colson voted to close Station 15; presenting the awkward situation where the votes of the two attending were split.

[ Parenthetically: Then at Mr. Lucarelli's behest, you people obviously have your collective minds made up to build another new fire station, Mr. Lucarelli's monumental legacy, along Union Hill Road with an emergency vehicle-only access corridor southbound to serve 228th Ave NE neighborhoods. This fanciful notion seems so abundantly absurd because you, we, have a perfectly good, almost new, existing Fire Station 15 only about a mile away, actually on 228th Ave NE, and imminently close to the motor vehicle mayhem and carnage that is the Redmond-Fall City Highway, SR - 202. ABSURD because it seems as if you have been led to believe the emergency vehicle access corridor won't work in the northbound direction. All of this absurdity and waste of taxpayers' monies to appease and indulge the pathetic ego of Mr. Lucarelli. I don't get it! ]

This brings us to Mr. Williams response letter dated May 30, 2006. You will recall, Mr. Williams, that because of the half-truths, untruths, and outrageous statements by the officials at that December 19th meeting, distortions contained in the December, 2005, Newsletter and official printed materials handed out at that (and later) meetings, that at the end of that meeting I said to you, "You can only fool some of the people some of the time". And, to date, we have not seen any action by you, nor heard of any action by you, that could be construed as any effort by you to protect the interests of the taxpayers/citizens/constituents of KCFPD 34. And shortly after that first meeting, a very prominent neighbor said, "The way the whole issue of the proposed closure has been handled is outrageous and the bungling continues. It's almost as if fire district officials want to create what is turning out to be a growing public relations debacle". And, with regard to your response letter dated May 30, 2006, it was said, "Ken, the district's attorney is handing you a bunch of b.s.". Mr. Williams, that stands for **bullshit**, and that's what I'm calling here and now. Your response letter is the biggest prevarication and obfuscation of the truth that it is sickening, and it is despicable that you would even try to fool any of the people any of the time. I mean, who the heck do you think is paying your exorbitant fees?

Regarding my Freedom of information request, below, in the first place I pre-cleared the questions with Mr. Toby Nixon. [ In the event Mister Nixon's name is not familiar to you, I suggest you might consult with Commissioner Thomas C. Johnston; who, according to the Washington Public Disclosure Commission has contributed \$100 in 2000, and \$250 in 2002, to Mr. Toby Nixon's Republican political campaigns; that, incidentally, in addition to a \$250 contribution to the BUSH-CHENEY '04 Campaign according to the Federal Elections Commission. So much for even the appearance of being a fair-minded, **non-partisan** fire district commissioner, its chairman--no less.] Additionally, I also cleared these questions with an employee, an auditor, of the Washington State Auditor's Office. Therefore, neither you, Mr. Williams, nor the commissioners, have no valid reason for not answering them, nor have you ever had valid reason to not answer my questions. All we want is the **TRUTH**.

The fourth sentence of your second paragraph of your insulting, condescending and offensive May 30th letter reads as follows, "Justification for the session was a result of threatened litigation against the District at the December 19, 2005, public meeting regarding the station closure and discussions between Commissioner Johnston and Mike Roy\* wherein litigation against the District was mentioned". Mr. Williams, as you know, I hesitate calling anyone a liar, but it is my clear understanding that Mike Roy\* was not at, did not attend, that December 19th meeting!

(\*) I'm happy that you brought up the name of Mr. Mike Roy as it presents me the opportunity to acknowledge and thank him for his unselfish many hours of crunching District 34's very own call response and financial numbers, to conclude in his excellent and very professional Power-Point presentation that Station 13 should have been closed instead of 15 because its District 34 response areas can be adequately covered by other stations. Those same Redmond Fire Department/District 34 numbers also showed that District 34 is unfairly being taken advantage of, financially, by the City of Redmond, because The City of Redmond only reimburses District 34 about one-third of Station 13's costs while two-thirds of Station 13's responses are to respond to Redmond's very own Avondale Road motor vehicle mayhem and carnage! All of this unnecessary unfairness and financial burden on our District 34, because Redmond procrastinates year after year after year after year in building and operating its supposedly planned Station 17 to be located on NE 116th St. near Avondale Road NE. Yes, Mister Williams, thanks for mentioning Mike Roy's name!

And if you are any kind of lawyer at all, you should be ashamed to pretend that idle gossip, even one-on-one conversation portends a lawsuit-litigation. You must have something tangible, such as a letter of intent or an actual complaint. Therefore, we take exception to the last part of your odious letter, ". . . I suggest that you contact members of the citizen group proposing such action, or those continuing to make threats against the District". It is asinine of you to construe that

an idle remark, meant to be humorous, by one of our committee members to the effect that we are not able to raise enough funds for photocopies, let alone attorney fees, to be a continuing threat of litigation against the District. You are outrageous, Sir!

Mr. Williams, as I have said before, **you can only fool some of the people some of the time! Speaking of time, it is high time that you or preferably the commissioners answer my questions:**

Ken Jauch

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----- Original Message -----

**From:** Ken Jauch

**To:** Thomas C. Johnston ; John Sherman Colson ; Peter R. Lucarelli ; Anne Carlson

**Cc:** Peter Tobin ; Mike Roy ; Keith Brooks ; harperw@penncreek.com ; Frank Parchman ; darcyforbes@hotmail.com ; Citizen Group ; Cherylyn McRae ; Barb Barb ; "KEN JAUCH"

**Sent:** Wednesday, May 17, 2006 2:53 PM

**Subject:** Freedom of information act information request

To: KCFPD 34 Commissioners:

With respect to your Special Commissioners' Meeting of March 14, 2006, we are in receipt of a copy of the Agenda and an unsigned copy of the Minutes for that meeting which in addition to being unsigned is useless and therefore seemingly deceitful.

[ Supposedly, "the purpose of this meeting was to discuss potential litigation regarding fire station relocation". ]

Therefore, please provide a signed copy of the subject Minutes and all of the following information:

- < Describe the litigation you reasonably believe may be commenced;
- < Who has made the threat(s) of litigation and the nature of the suspected litigation;
- < When and how these threat(s) were made;
- < The nature of the Commissioners' (and all attendees) discussion and any decisions made;
- < Explanation as to your reason(s) and justification for allowing Messrs. Fuller, Hail, and Oliver and Ms. Ayrs to attend such an Executive Session of the KCFPD 34 Commissioners;
- < What was discussed from 3:10 PM to 4:49 PM and why it took an hour and thirty nine minutes?

Thank you in advance,

Ken Jauch, Once proud, but still a member of your very own Citizens' Advisory Committee  
6705 238th Ave. NE  
Redmond, WA 98053-8626

August 8, 2006

Dear Mr. Jauch,

This is in response to your email dated Friday August 4, 2006.

1. In response to claim that proper notice for special meetings was inadequate please refer to RCW 42.30.080 which states:

A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, by mail, by fax, or by electronic mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram, by fax, or electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

Please also refer to RCW 42.30.110 in reference to your statement that executive sessions cannot be held during special meetings. That statute states in relevant part:

§ 42.30.110. Executive sessions

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

Accordingly, you are incorrect in your citations of the law. In this instance as with all others all legal requirements have been met and are routinely exceeded by the Board.

2. With reference to the need for a special investigation by the State Auditor, please note that in almost 20 years of my involvement with the District, not one finding has been issued by the State Auditor. Please refer to Audit Reports issued by the State Auditor from 1988 to present. The District welcomes any oversight by the State Auditor.

3. Please refer to RCW 42.30.110(i) with reference to discussions in executive session involving litigation and potential litigation against the District. While based upon the continuing tone of your letters, I have no intention of convincing you of the District's position in this regard, I am providing this information so that the other individuals who you have copied with your email may obtain this information.

4. The District disagrees with your representations regarding any alleged "factual" information you have included in your email to the extent that the information is represented as fact as opposed to editorialized comments.

Finally, the District Staff, Commissioners and ask that you refrain from the personalized attacks and vulgar language which typifies your emails. Whatever message you may wish to convey is lost in your swearing angry diatribes and does little to further meaningful public debate.

Kinnon W. Williams